

GRAND JURY FILES FIRST INDICTMENT IN UPSTATE GRAFT

Court Says Board Cannot Oust the Married Teachers

WEATHER—Rain and colder to-night.

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FINAL NIGHT

The



World.

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MARRIED TEACHERS CAN'T BE EXPELLED FOR BEARING CHILDREN, COURT DECIDES

Justice Seabury Directs Board of Education to Reinstate Mrs. Peixotto.

NO OFFENSE PROVEN.

Legislature Alone Could Enact Such Punishment Upon Teacher for Maternity.

Maternity among school teachers was today given the sanction of the Supreme Court when Justice Seabury decided that the Board of Education had no right to dismiss Mrs. Bridget C. Peixotto from Public School No. 14 in the Bronx when she became a mother on April 1, 1913.

Declaring the contention of the Board of Education that Mrs. Peixotto was neglectful in her duty when she left her employment to give birth to her child, was inconsistent, and could not be upheld in a court of law, or by any Board of Education, the Justice issued a peremptory writ of mandamus compelling the board to reinstate Mrs. Peixotto.

Justice Seabury in his decision went fully into the question of maternity as it affects school teachers.

"Serious personal illness," he says, "includes illness caused by maternity, and the absence of Mrs. Peixotto was therefore excusable. The policy of our law favors marriage and the birth of children, and I know of no provision of our statute law, or any principle of the common law, which justifies the inference that a public policy which concededly sanctions the employment of married women as teachers treats as grounds of expulsion the act of a married woman in giving birth to a child."

REPUTATION TO LAW AND GOOD MORALS, HE SAYS.

"Married women being lawfully employed as teachers and excusable for absence caused by personal illness, the idea that because the illness resulting in absence is caused by maternity it therefore becomes neglect of duty is repugnant to law and good morals. Until the Legislature shall exclude married women as teachers, or shall provide that absence of the teacher on account of maternity shall constitute neglect of duty, I know of no authority resident in the Board of Education or the courts to hold."

"It is clear that absence caused by personal illness of the teacher, not the result of maternity or of fault for wrongdoing on the part of the teacher, is not neglect of duty within the statute and by law. Can it be correctly said that if such illness is the result of maternity the absence resulting is neglect of duty? If so, then it is not the absence of the teacher per se which constitutes neglect of duty, or the fact that the absence is caused by maternity, but the neglect of duty."

"To so hold is to construe the statute and by law to mean that absence resulting from personal illness from any cause other than maternity or the fault or wrongdoing of the teacher is excusable, but that absence resulting in illness caused by maternity is inexcusable and therefore neglect of duty."

Such a construction of the statute and by law is unreasonable. It is much more in accord with reason to hold that the absence of a teacher resulting from personal illness, including illness caused by maternity, is excusable and therefore not to be considered neglect of duty.

SUCH ABSENCE CANNOT BE HELD NEGLECT OF DUTY.

"It is pure surplusage to argue, as does the learned counsel for the respondent in his brief, that maternity is an indication of health and therefore cannot be said to cause serious personal illness. As maternity cannot be attributed to

JOCKEY BURNS DIES UNDER "L" CAR IN BROOKLYN

Train Kills Noted Rider as He Is Returning to Family Early in Morning.

HAD PACED PLATFORM.

But His Prostrated Wife Is Sure That He Didn't Commit Suicide.

Tommy Burns, one of the most famous jockeys in the world and lately a winning rider on German and other Continental tracks, was ground to death beneath the wheels of a Brighton Beach elevated train as it drew into the station at Elm place, Brooklyn, about 5 o'clock this morning. No one witnessed the tragedy and the police have not determined whether Burns' death was accidental or whether he deliberately placed himself in the path of the train.

Mrs. Rosalie Burns, his widow, is convinced that Burns did not seek death. She is prostrated at the home of Joseph Dyer, No. 288 East Nineteenth street, Sheepshead Bay, where she and her husband, with their children—Clarita, twelve years old, and Tommy Jr., seven—had gone on their arrival here from Europe last Wednesday.

JOCKEY HAD TELEPHONED HE WAS COMING HOME.

Mrs. Dyer, speaking for her friend, said that Burns had gone to Manhattan yesterday to make some arrangements about a contract for the coming season, and at 1 o'clock in the morning had got his wife on the telephone and said:

"Everything's fine. I've fixed up the contract and I'm on my way home now. Don't go to bed. Wait up for me and I'll tell you all about it."

Mrs. Dyer said that all of them except the children remained up, expecting Mr. Burns, in about an hour. They were alarmed when he did not come, and grief-stricken when a policeman finally notified them of his death. They are satisfied that he must have fallen from the platform. He had made a good deal of money, had prospects of making more this season, and was devoted to his wife as when he married her.

Miss Adeline Schwartz, ticket seller at the Elm place station, the last to see Burns alive, less than five minutes before the train rolled in Burns mounted the station, carrying his overcoat over his arm. Miss Schwartz noticed that he began to pace the platform.

HAD CONTRACT TO RIDE IN GERMANY NEXT SEASON.

As the train approached the Elm place station Motorman Greenberg saw the overcoat and hat on a bench and signalled Motorman Williams to stop. There was no passenger in sight, however, and Greenberg went to the ticket window. Miss Schwartz told him of the dapper little man and Greenberg and Riley got down on the tracks and peered under the train. Wedged under the front wheels of the first car was Burns.

Burns had been killed instantly. His body was taken to the Adams street station, where Dyer later identified it. The contents of Burns' pockets, however, established sufficient identification. He had a pass book on the Deutsche Bank of Berlin, showing a credit of 6,000 marks and a letter of credit from the same bank on the Columbia-Klickerbocker Trust Company here for \$500. In a wallet were 10,000 marks in German money and \$184 in United States bills.

No Extra Charge for It. Advertisement for The World may be left at the office of the Press Publishing Co. at 100 N. W. 4th St.

SWINDLERS NAME POLICE GRAFTERS AT HEADQUARTERS

Say They Paid \$2,500 a Month and Share of Loot for Protection.

WERE DOUBLE-CROSSED.

Tell of Secret Meeting Between Whitman and Waldo at Union League Club.

District Attorney Whitman announced today that George H. McRae, a member of the Gondorf gang of wiretappers, has made a statement, corroborated by "Curley" Carter and Frank Tarboaux, also members of the gang, in which he accused two police officials at Headquarters and two members of the uniformed force of grafting. The statement was made by McRae on the night of Oct. 12 at Mr. Whitman's home in the presence of Assistant District Attorney Frederick J. Groehl and Detectives Leigh and Thomas.

McRae charges that one of the Headquarters officials got \$2,500 a month from the gang and 6 per cent. of all the money taken from "suckers," as the victims are called. The other police official, a member of the uniformed force, who is no longer attached to Headquarters, got 10 per cent. of the money taken in, according to McRae.

McRae, according to the District Attorney, said that a detective attached to Headquarters, a squad, who was afterward promoted, collected the \$2,000 a month for his superior officer. Another detective, named by McRae, is accused of being the man who collected the "rake off."

DETECTIVE TOLD WHEN "COME ON" REACHED CITY.

This latter detective, McRae told the District Attorney, spent most of his time in company with members of his gang and was always told when a "come-on" was due in town to be "timed." The detective would wait around the street from the house in which the victim would be abducted by the old "wire tapping" game, and as soon as the plucked "sucker" had departed, steered by a member of the gang, this detective would enter the house and collect 15 per cent. of the loot—10 per cent. for one official, 5 per cent. for the other.

Mr. Whitman says that McRae gave the names of a great many victims who were swindled out of from \$50,000 to \$500,000 apiece and never reported their losses to the police. These men were all church members from towns and cities outside New York and were afraid of the scandal that would result from publicity.

According to McRae the regular payments of \$2,500 a month and the percentage payments were made for at least five months preceding the murder of Herman Rosenthal, on July 16, 1912. When Rosenthal was killed, McRae told the District Attorney the wiretappers got frightened and prepared to leave the city.

WIRETAPPERS WERE TOLD WHITMAN WAS "FIXED."

They were reassured, McRae said, by a message from Headquarters which stated that District Attorney Whitman had been influenced by the "system" and would not prosecute in the Rosenthal case. As proof that such was the case the message stated that the District Attorney and Commissioner Waldo were to take lunch together on a certain day at the Union League Club.

McRae said that as the representative of the "wiretappers" he went to the Union League Club on the day mentioned and saw the District Attorney and the Police Commissioner arrive and satisfied himself that they were lunching together. He told Mr. Whitman just what time he reached the club and how and also what time and how Commissioner Waldo arrived and how and when both departed.

Mr. Whitman says he was amazed at the feature of McRae's statement. It was not known except to a very few that he had lunch with Commissioner Waldo after Rosenthal was killed and he could not conceive how the knowledge could have leaked in advance to the "wiretappers."

McRae was arrested in Los Angeles, Cal., early in October by Detective Edward Leigh, who is attached to the

Democratic Leader and Bride, Who Returned on Mauretania



M'COMBS RETURNS; WILL NOT ACCEPT FRENCH EMBASSY

Confirmed "Bachelor" Brings Back His Bride, the Former Miss Dorothy Williams.

William F. McCombs, bridegroom, and Chairman of the Democratic National Committee, returned from Europe today on the Mauretania with the wife he took in London. She was Miss Dorothy Williams, a daughter of Col. John R. Williams of Washington.

Mr. McCombs went abroad last spring and spent most of the time in Paris. He was run down physically and in need of a long rest. Today he looks to be in perfect health and says he will be ready to take up hard work again as soon as he has completed a bridal tour of the United States, which will be begun after a stop of a few days at the Hotel Vanderbilt and a visit to Washington.

The report that Mr. McCombs has agreed to be Ambassador to France was vigorously denied by the gentleman himself. He said he has not changed his position in that respect since he went away.

"I don't care for public office," said Mr. McCombs. "You can say with all the emphasis possible that I am not going to be Ambassador to France, and have not considered the proposition at all. I thought that was generally understood."

ENTHUSIASTIC OVER THE WILSON ADMINISTRATION.

Mr. McCombs had heard by wireless of the appointment of Dudley Field Malone to the office of Collector of the Port. He was immensely gratified. Mr. Malone and Mr. McCombs were closely associated in the Wilson campaign. Naturally Mr. McCombs is enthusiastic over the Administration of President Wilson. It was he who started the Wil-

HUERTA YIELDING, LIND GIVES HINT OF ARMING REBELS

American Charge d'Affaires to Have Further Conference With Senor Aldape.

WILSON VERY HOPEFUL.

Great Britain Again Gives Assurance of Policy of Non-Intervention.

MEXICO CITY, Nov. 14.—Confidence in the early accomplishment of the aims of the United States toward Mexico was expressed today by Nelson O'Shaughnessy, American Charge d'Affaires. The overture made by the Mexican Minister of the Interior Manuel Garza Aldape yesterday were taken as evidence that Gen. Huerta was ready to recede from the stand he had previously taken as yielding nothing.

Although Mr. O'Shaughnessy refused information as to any phase of the latest development, it is understood he expects to have a further conference with Senor Aldape. It is expected that the ideas of Washington as to the arming of John Lind, the personal representative of President Wilson, from Vera Cruz to the Federal capital, or receiving a committee representing the Provisional President Huerta will be made known to the representative of the Provisional President.

Dispatches from Washington published here today indicating the probability of a settlement of the Mexican question without resort to arms, which during the past week appeared here to be a forlorn hope, created an atmosphere of optimism and greatly relieved the tension.

To most of the foreigners in Mexico City it appeared that the storm cloud had passed for the time being.

ENVOY LIND GIVES HINT OF ARMS FOR THE MEXICAN REBELS.

VERA CRUZ, Nov. 14.—John Lind, representing President Wilson in Mexico, while refusing to make positive statements, hinted today that further delay on the part of Gen. Huerta in heeding the demands of Washington may cause the President to recognize the rebels as belligerents.

Lind said the Mexican City embassy officials who accompanied him to Vera Cruz spent the night at the consulate and remained there to-day.

NOGALES, Sonora, Mexico, Nov. 14.—Word from Washington is eagerly awaited by Carranza's adherents, who believe the plans of the American Administration, when fully revealed, will not fail to be of advantage to the Constitutional cause.

It was deemed virtually certain that the embargo against the shipment of arms and ammunition across the border would be lifted soon by the United States, and Carranza's officers were jubilant at the prospect of a vigorous campaign against the Federalists.

Culiacan, capital of Sinaloa, was captured by Constitutionalists late yesterday. This was announced today at military headquarters here in a telegram from Gen. Alvaro Obregon, who was commander of the insurgent forces. Details of the fighting were lacking.

BRITAIN RENews HER ASSURANCES OF NON-INTERVENTION.

LONDON, Nov. 14.—In reply to President Wilson's communication announcing his determination to eliminate Gen. Huerta and his adherents from power in Mexico, Great Britain today answered formally through Ambassador Walter H. Page that her policy was strictly one of non-interference.

It is understood that the other European powers have sent similar replies to that of Great Britain after exchanging views, which it was understood Washington desired they should do. President Wilson's note to the Powers, while it stated very clearly his object to get rid of Gen. Huerta and his reasons for doing so, did not, it is understood, include even an outline of

'MURPHY'S BAGMAN,' ACCUSED BY HENNESSY, INDICTED FOR GRAFT

Everett Fowler of Kingston Is Accused by S. P. Hull of Cortland, a Highway Contractor, of Extorting Money From Him by Threats.

FORCED TO CONTRIBUTE \$250 TO CAMPAIGN FUND, HE SAYS.

Told There Would Be Trouble From State Inspectors If He Refused—Contribution Not Acknowledged.

The first concrete development of the charges made by John A. Hennessy in the campaign that the Democratic State Committee and tagged up-State contractors for contributions came today when the Grand Jury filed an indictment charging Everett Fowler of Kingston, accused by Hennessy of being one of Charles F. Murphy's "bagmen," with extortion. The indictment is based on evidence furnished by S. P. Hull, a contractor of Cortland, N. Y., who testified that Fowler, by threats that his work on the State highways would be interfered with, forced him to put up a contribution of \$250 to the Democratic State Committee in October, 1911.

Unless Fowler gives himself up a bench warrant will be issued for his arrest. While the money was passed in Onondaga County, the check was cashed in this city, and the receipt of it was acknowledged by Arthur McLean, Democratic State Treasurer, at the State headquarters, Fifth avenue and Thirty-fourth street. Under the law, as part of the offense was committed in New York County, the indictment is valid here.

The penalty for extortion is up to fifteen years in prison. Other cases, it is said, are in preparation.

WOMAN IN BOAT ATTEMPTS TO FREE THREE PRISONERS

With Two Men Companions Is Caught Rowing for Shore and Arrested.

An escape without thrills, but with a good deal of plain, unadorned nerve, was attempted this morning from Hart's Island. Three prisoners were taken off the east end of the island, which does not belong to the city, by two men and a woman in a boat. The prisoners were followed by Warden John Murtha, and were back in their cells within a few hours.

The would-be rescuers were taken to the City Island police station in charge of Police Captain Barnett.

The attempted escape was discovered by Warden Murtha at 9:45 o'clock, as the island steamer, Riker Island, was pulling into the wharf. The Warden and a couple of guards boarded the steamer, and started toward the Long Island shore, hearing which was the boat with the escaped prisoners.

The small boat got into shallow water, and one of the escaping men, Louis Miller, jumped out and waded ashore. The steamer's yawl was lowered and the Warden gave chase, leaving the two guards in charge of Morris Gershon and Morris Paul, Miller's companions, and their would-be rescuers.

The Warden secured an automobile and caught up with Miller as he was about to board a train for the city at Great Neck station.

SAILING TO-DAY.

Burlington, Maine 10 AM.
Mohawk, Jacksonville 1 P. M.
Vigilance, Nassau 3 P. M.

SUNDAY WORLD WANTS WORK MONDAY WONDERS.

\$12 Men's O'coats & Suits, \$5.95
The "Men's" O'coats, Broadway, cor. Barclay St., ASTOR HOUSE, will sell to-day and Saturday, 5:00 Men's Winter Suits and Overcoats, black, blue, tan, gray, blue, pencil stripes, browns and dark mixed woads, all sizes, \$12 to \$14. In any other store, our special price to-day and Saturday, \$5.95. Open Saturday night till 10. The "Men's" O'coats, Broadway, corner Barclay St., A-7.